

REMARKS

Claims 50-52 and 56 are pending in this application, of which claim 50 has been amended. Claims 45-49 and 57 have been cancelled. No new claims have been added.

Claims 45-52 and 57 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17-20 and 26 of U.S. Patent 6,216,953 B1.

A timely filed terminal disclaimer in compliance with 37 CFR §1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR §1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR §3.73(b).

Accordingly, such an executed terminal disclaimer is attached hereto, and the double-patenting rejection should be withdrawn.

Claims 45-47, 49-50, 52 and 57 stand rejected under 35 USC §103(a) as unpatentable over Wilz et al. in view of Rockstein et al. and McMillan (all previously cited).

Applicants respectfully traverse this rejection.

Wilz et al. discloses a fully automatic bar code symbol reading system having a hand-supportable laser bar code reading device. Figs. 10, 16, 17A and 18 show a base pivotably mounting a holder 3 for a grip of an optical reader, but fails to show an arrangement in which only one end of the grip is insertably mounted in the holder, as recited in claim 45 of the instant application.

Rockstein et al. discloses a reader having a grip, one end of which is inserted into an hole

U.S. Patent Application Serial No. 09/227,529

of a holder. However, the holder has no slit through which a cable of the reader can pass. The cable must pass and extend through the hole when an operator grasps the grip and moves the reader. This arrangement does not facilitate satisfactory handling, especially when inserting the grip into the hole.

The Examiner has cited Rockstein et al. for teaching a reader having a grip, one end of which extends into a holder.

Applicants respectfully disagree. The holder of Wilz et al. attaches to the reader at both ends, and there is not enough structure to permit a modification which would allow complete insertion of the grip of the reader into the holder. Furthermore, the holder of Wilz et al. is pivotably rotatable, and in some positions it would not be possible to insertably mount the grip of the reader without it falling out.

The Examiner nevertheless now urges that, regarding claim 45:

[I]t is notoriously well known in the art for removable readers to be insertable into stands, in which the grip is the only end mounted. Such configurations are common at point of sale terminals at various retail and grocery stores.

McMillan discloses a scanning system 10 having a base 14 for holding a portable hand-held scanning device 12. The base 14 holds the barrel portion 24 of the scanning device 12 such that the scanning device 12 faces downward.

None of the cited references teaches, mentions or suggests that the read window of the optical reader faces in a lateral direction when the optical reader is mounted in the stand member, as shown in Fig. 65A of the instant application. In fact, McMillan teaches away from this arrangement because the scanning device disclosed therein faces downward.

U.S. Patent Application Serial No. 09/227,529

Accordingly, claim 50 has been amended to recite this distinction.

Thus, the 35 USC §103(a) rejection should be withdrawn.

Claim 51 is now allowable because the terminal disclaimer has been filed to remove the double-patenting rejection. Claim 56 has been allowed.

In view of the aforementioned amendments and accompanying remarks, claims 50-52 and 56, as amended, are in condition for allowance, which action, at an early date, is requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 09/227,529

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



William L. Brooks
Attorney for Applicant
Reg. No. 34,129

WLB/mla

Atty. Docket No. 960569C
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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PATENT TRADEMARK OFFICE

Enclosures: Terminal Disclaimer
Submission of Terminal Disclaimer
Petition for Extension of Time
Version with markings to show changes made

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VERSION WITH MARKINGS TO SHOW CHANGES MADE 09/227,529

IN THE CLAIMS:

Cancel claims 45-49 and 57.

Please amend claim 50 as follows:

50. (Three Times Amended) A stand on which an optical reader, which includes a read window through which scanning light is emitted and a grip enabling a user to grasp said optical reader, and which scans a mark borne by an article using scanning light emitted through said read window, detects light reflected from said mark, and thus reads information, is mounted, comprising:

a stand member on which said optical reader is mounted in such a manner that said grip of said optical reader extends laterally beyond a lateral side of said stand member and said read window faces in a lateral direction.